

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

ORDER

In accordance with its memorandum opinion entered this day, the court hereby ORDERS as follows:

1. Plaintiff's objection (Dkt. No. 29) to Magistrate Judge Joel C. Hoppe's July 7, 2015 report and recommendation (R&R) is OVERRULED;
2. The R&R (Dkt. No. 27) is ADOPTED;
3. Defendant's motion for summary judgment (Dkt. No. 13) is DENIED as moot;
4. The case is DISMISSED without prejudice for lack of subject matter jurisdiction;

and

5. The case is STRUCK from the court's active docket.

The clerk is directed to mail a copy of this order to plaintiff at his address of record.

Entered: January 21, 2016.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge